Sec A. II-27—20,006—16-11-40.

Home (1941) Department.

No. 30

MS SERIES.

G.O. No. 2276

Dated 10 S. B 1941.

[Despatch Abstract.]

Courts — Civil — South Kanara District Court, Mangalore

appointment of additional Munsif

Munsifs — Sanctioned

H.Ct. No. 4.—5,002—23-10-39.

- 1 APR. 1941
HOME DEPARTMENT

R.O.C. No. 749/41-D2.

10899E
1-4-41

From

S.P.Thompson Esquire, I.C.S.,

Registrar of the High Court of Judicature,
Madras.

To

The Secretary to the Government of Madras,
Home Department (with enclosures).

Dated, Madras, the ~~27th March~~ ***19*** 41

Sir,

Subject: Courts - Civil - District Munsif's Court - Mangalore - appointment of Additional District Munsif for a year - recommended.

-- pp 2-5 infra

I am to forward herewith an extract from letter Dis.No.1463 dated 10th March 1941 with the enclosures thereto from the District Judge of South Kanara on the subject cited above, and to state that for the reasons set out therein, the Hon'ble the Judges recommend that an additional District Munsif with the usual staff of 3 clerks and 3 peons, may be appointed to the District Munsif's Court, Mangalore, for a period of one year, with effect from the date of the reopening of the Court after the ensuing summer recess, i.e. from 26th May 1941.

2. The arrears of old original suits alone in the District Munsif's Court, Mangalore, represent more than a year's work for a single officer. An additional District Munsif is not only very necessary now, but was also obviously necessary when the proposals for Part II Schemes for 1941-1942 were sent to Government last year. The District Judge ought to have foreseen the need for the appointment and applied for it last year when submitting proposals for Part II Schemes for 1941-1942. The omission to make this provision which was obviously necessary is regretted.

3. I am therefore to request that the Government may be pleased

to

to provide the necessary funds and to sanction the appointment of an additional District Munsif to the District Munsif's Court Mangalore with the usual establishment of three clerks and three peons for a period of one year with effect from the date of the reopening of the Court after the summer recess of 1941.

I have the honour to be,

Sir,

Your most obedient servant,

REGISTRAR.

Extract from letter Dis.No.1463 dated 10th March 1941 from the District Judge, South Kanara, Mangalore to the Registrar, High Court, Madras.

Subject:-Courts - Civil - New appointment of Additional District Munsif for Mangalore - proposal submitted.

I have the honour to forward herewith statements(in duplicate) showing the institutions, disposals and arrears as to Original and Small Cause Suits in the various District Munsif's Courts in the District for the years 1938, 1939, 1940 and 1941 up to 15-2-41).

2. The pendency of Original and Small Cause Suits on 15-2-1941 in the several District Munsif's Courts is given below.

Name of the Court.		Pendency on 15/2/41		
			Total	Old
District Munsif's Court,	Kundapur	O.S.	261	19
		S.C.	84	10
do.	Karkal	O.S.	308	60
		S.C.	142	54
do.	Kasaragod	O.S.	506	86
		S.C.	144	58
do.	Mangalore	O.S.	528	245
		S.C.	301	167
do.	Puttur	O.S.	336	100
		S.C.	67	37
do.	Udipi	O.S.	210	50
		S.C.	146	48

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3. From the above figures, it is seen that the highest pendency on 15-2-1941 was in Mangalore (528).

4. In this Court, an additional District Munsif was working from 10-6-1937 till the end of February 1938. On 1st March 1938, the pendency was 292 suits with 49 over a year old.

5. The number of suits instituted in 1937 was 425. In 1938 the institutions rose to 584 and this high institution was maintained in 1939 also (531). The number of title and other suits instituted in 1938 and 1939 was 513 and 395 respectively. In 1940 there was a slight fall in institutions (473). But then, the number of title and other suits was as many as 339. In 1941 up to 15th February, 72 suits were instituted. The total institutions in the current year, may thus be expected to run up to no less than 500 suits.

6. The total number of suits disposed of in 1938,1939, and 1940 was 493, 485, and 463 respectively. Of these the number disposed of after full trial was 203, 191, and 211. The standard outturn fixed in respect of suits disposed of after full trial is 190 a year. Thus, it is seen, that the standard outturn as to suits after full trial has been maintained. But it is equally plain that this standard is not adequate to the requirements of the work in this Court and must lead progressively to increased pendency at the end of every year and to recurring appointments of Additional Munsifs. As to old suits, the disposals of 101 in 1938, of 150 in 1939 and 162 in 1940 would seem to show that increased attention was paid to the disposal of old suits.

7. The number of Small Cause Suits instituted during 1938, 1939 and 1940 was 929, 957 and 941 and the number disposed of in those years was 784, 956, and 1018 respectively. In addition to these, a large number of execution and miscellaneous petitions was filed and disposal of the contested ones among them again took time.

8. After the Additional District Munsif ceased to function at the end of February 1938, the pendency of original

Suits began to rise. The total pendency on 15-2-1941 was 528 suits; of these 245 were over a year old. The District Munsif reports that 30 more would become old by the time the Courts close for the summer recess this year i.e.14-4-1941. The total number of old suits for disposal would thus be 275. The total pendency also would increase by that date on account of institutions at about 50 suits a month.

9. It is not possible for a single District Munsif to ope with the present arrears.

10. On an average 13 old suits were disposed of in a month during the last 3 years and so about 26 suits may be expected to be disposed of by 14-4-1941 leaving a balance of 249 old suits. On the basis of the disposals of old suits, during the last 3 years, these 249 old suits alone may require not less than one and a half years for disposal.

11. In Kasaragod too, the pendency of Original Suits on 15-2-1941 was heavy enough (506). The average number of suits instituted during the last 3 years was 573 and the total disposals in 1938, 1939, and 1940 were 561, 694, and 647 respectively. The number of suits disposed of after full trial in those three years was 262, 350,354, the standard outturn fixed being 235 suits a year. The number of Small Cause Suits instituted in 1938, 1939, and 1940 was 427, 495 and 431. Though the total number of Original Suits pending on 15-2-1941 was 506 the number of year old suits was only 86. The disposals of the present District Munsif of Kasaragod are far above the standard and he is able to keep the work of that Court under control.

12. In the District Munsif's Court of Puttur which is contiguous to the Court at Kasaragod the total number of suits pending on 15-2-1941 was 336; but the number of old suits pending was 100. An appreciable reduction in arrears has been effected during the last 6 months, and it is hoped that before long the number of year old suits will be very much reduced and then it may be possible to transfer some suits from Kasaragod to this

Court, and thus give relief to Kasaragod Court.

13. I do not therefore consider that any immediate relief is necessary to the District Munsif's Court of Kasaragod.

14. On the other hand, the District Munsif's Court, Mangalore requires immediate relief, so that the arrears may not become uncontrollable even by two District Munsifs later. I therefore recommend that the High Court may be pleased to move the Government to sanction the appointment of an additional District Munsif to the District Munsif's Court, Mangalore for a year from the re-opening of the Court after summer recess this year.

PP

STATEMENT showing the institutions, disposals and arrears in the District Munsif's Court of Coondapur for 1938, 1939,1940 & 1941 up to 15-2-1941.

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Year	Name of the presiding Officer.	Period presided over From	To.	Instituted.	Disposed of After full trial	Uncontested	Total	Standard out-turn fixed.	Total still pending	No. of old suits pending on 15-2-1941.	No. likely to become old at the closing of the Courts
					Original Suits.						
1938	Sri K.R.Krishnaiah Chotty	1-1-38	31-12-38	540	226	291	517	225	351	..	..
1939	do.	1-1-39	17-12-39	..	227	449	676	..	..	..	..
"	Sri M.Venkatappa.	18-12-39	31-12-39	..	..	..	..	..	..	..	..
"	Total for the court	1-1-39	31-12-39	611	227	449	676	..	300		
1940	Sri M.Venkatappa	1-1-40	31-12-40	~~249~~ 679	~~227~~ 249	497	746	..	254	..	..
1941	do.	1-1-41	15-2-41	63	23	40	63	..	261	19	15
					Small Cause Suits						
1938	Sri K.R.Krishnaiah Chotty	1-1-38	31-12-38	638	145	493	638	..	93	..	..
1939	do.	1-1-39	17-12-39	..	99	546	645	..	..	..	..
"	Sri M.Venkatappa	18-12-39	31-12-39	..	..	..	35	..	..	..	..
"	Total for the court	1-1-39	31-12-39	642	99	546	680	..	57		
1940	Sri M.Venkatappa	1-1-40	31-12-40	475	73	396	469	..	66	..	..
1941	do	1-1-41	15-2-41	67	7	42	49	..	84	10	6

District Court, South Kanara,)
Mangaloro, Dated/o March 1941.)

District Judge, S.K.

10.3.41.

STATEMENT showing the institutions, disposals and arrears in the District Munsif's Court of Coondapur Karkal. for 1938, 1939,1940 & 1941 up to 15-2-1941.

Year	Name of the presiding Officer.	Period presided over From	To	Instituted.	Disposed of After full trial	Uncontested	Total	Standard out-turn fixed	Total Still pending	No. of old suits pending on 15-2-1941.	No. likely to become old at the closing of the Courts.
					Original Suits.						
1938	Sri B. Koragappa	1-1-38	3-3-38		34	44	78	175			
	Sri V. Pola Reddi	9-3-38	31-12-38		143	381	524				
	Total for the Court	1-1-38	31-12-38	690	177	425	602		560		
1939	Sri V. Pola Reddi Prl. D/Munsif	1-1-39	31-12-39		198	299	497				
	Sri M. Venkatappa Addl. D/Munsif	12-6-39	11-12-39		144	142	286				
	Total for the Court	1-1-39	31-12-39	482	342	441	783		279		
1940	Sri V. Pola Reddi	1-1-40	31-12-40	521	183	329	512		300		
1941	Do.	1-1-41	15-2-41	54	18	31	49		308	60	76
					Small Cause Suits.						
1938	Sri B. Koragappa	1-1-38	3-3-38		4	21	25				
	Sri V. Pola Reddi	9-3-38	31-12-38		30	187	217				
	Total for the Court	1-1-38	31-12-38	294	34	208	242		81		
1939	Sri V. Pola Reddi Prl.D/Munsif	1-1-39	31-12-39		64	198	262				
	Sri M.Venkatappa Addl. D/Munsif	12-6-39	11-12-39		46	149	195				
	Total for the Court	1-1-39	31-12-39	466	110	347	457		105		

Year	Name of the presiding Officer.	Period presided over. From	To	Instituted.	Disposed of After full trial	Uncontested.	Total	Standard out-turn fixed.	Total still pending	No. of old suits pending on 15-2-1941.	No. likely to become old at the closing of the Courts.
1940	Sri V. Pola Reddi	1-1-40	31-12-40	471	68	382	450		131		
1941	Do.	1-1-41	15-2-1941	52	7	34	41		142	54	96

District Court, South Kanara,
Mangalore, Dated 10 th March 1941.)

District Judge, South Kanara
10.3.41.

STATEMENT showing the institutions, disposals and arrears in the District Munsif's Court of Kasaragod for 1938, 1939, 1940 & 1941 up to 15-2-1941.

Year	Name of the presiding Officer.	Period presided over From	To	Instituted.	Disposed of After full trial	Uncontested.	Total	Standard out-turn fixed.	Total Still pending	No. of old suits pending on 15-2-1941.	No. likely to become old at the closing of the Courts
					Original Suits.						
1938	Mr. P. A. Nazareth	1-1-38	16-9-38		166	204	370	235			
	Sri R.V.Sitarama Rao	17-9-38	1-11-38		46	45	91				
	Sri E. Krishnamurti	2-11-38	31-12-38		50	50	100				
	Total for the Court	1-1-38	31-12-38	572	262	299	561		666		
1939	Sri E. Krishnamurti	1-1-39	31-12-39	545	350	344	694		536		
1940	Do.	1-1-40	31-12-40	602	354	293	647		509		
1941	Do.	1-1-41	15-2-41	72	42	35	77		506	86	75
					Small Cause Suits.						
1938	Mr. P. A. Nazareth	1-1-38	16-9-38		84	204	288				
	Sri R.V.Sitarama Rao	17-9-38	1-11-38		6	24	30				
	Sri E. Krishnamurti	2-11-38	31-12-38		18	30	48				
	Total for the Court	1-1-38	31-12-38	427	108	258	366		107		
1939	Sri E. Krishnamurti	1-1-39	31-12-39	495	148	327	475		126		
1940	Do.	1-1-40	31-12-40	431	110	311	421		138		
1941	Do.	1-1-41	15-2-41	55	17	32	49		144	58	50

District Court, South Kanara
Mangalore, Dated 10th March'41

District Judge, South Kanara

10.3.41

10/ STATEMENT showing the institutions, disposals and arrears in the District Munsif's Court of Mangalore for 1938, 1939, 1940 & 1941 up to 15-2-1941.

Mangalore

Year.	Name of the presiding Officer.	Period presided over From	To.	Instituted	Disposed of After full trial	Uncontested	Total	Standard out-turn fixed.	Total still pending.	No. of old suits pending on 15-2-1941.	No. likely to become old at the closing of the Courts
					Original Suits						
1938	Sri V. Pola Reddi Addl. D.Munsif.	3-1-38	28-2-38		38	10	48	190			
	Sri A.M.S.Tagat	3-1-38	31-12-38		165	280	445				
	Total for the Court	3-1-38	31-12-38	584	203	290	493		432		
1939.	Sri A.M.S.Tagat	3-1-39	9-6-39		72	100	172				
	Sri L. A. Vaidyanatha Ayyar	10-6-39	31-12-39		119	194	313				
	Total for the Court	3-1-39	31-12-39	531	191	294	485		488		
1940.	Sri L.A.Vaidyanatha Ayyar	3-1-40	31-12-40	473	211	252	463		512		
1941	Do.	3-1-41	15-2-41	72	25	29	54		528	245	275
					Small Cause Suits						
1938	Sri V. Pola Reddi Addl. D.Munsif	3-1-38	28-2-38		1	2	3				
	Sri A.M.S.Tagat	3-1-38	31-12-38		107	674	781				
	Total for the Court	3-1-38	31-12-38	929	108	676	784		343		
1939	Sri A.M.S.Tagat	3-1-39	9-6-39		65	259	324				
	Sri L.A.Vaidyanatha Ayyar	10-6-39	31-12-39		68	564	632				

Year	Name of the presiding Officer.	Period presided over From	To	Instituted	Disposed of After full trial	Uncontested.	Total	Standard out-turn fixed.	Total still pending	No. of old suits pending on 15-2-1941.	No. likely to become old at the closing of the Courts
1939	Total for the Court	31-39	31-12-39	957	133	823	956		356		
1940	Sri L.A.Vaidyanatha Ayyar	3-1-40	31-12-40	941	174	844	1018		297		
1941	Do.	3-1-41	15-2-41	91			89		301	167	244

District Court, South Kanara,
Mangaloro, Dated 10 the March, '41.)

District Judge, South Kanara
10.3.41.

2 \ STATEMENT showing the institutions, disposals and arrears in the District Munsif's Court of Puttur, for 1938, 1939, 1940 & 1941 up to 15-2-1941

Year	Name of the presiding Officer.	Period presided over From	To	Instituted.	Disposed of After full trial	Uncontested.	Total	Standard out-turn fixed	Total still pending	No. of old suits pending on 15-2-1941.	No. likely to become old at the closing of the Courts
					Original Suits.						
1938	Sri B. L. N. Rai	1-1-38	31-12-38	493	270	263	533	185	344		
1939	Do.	1-1-39	31-12-39	497	287	256	543		332		
1940	Do.	1-1-40	4-5-40		74	70	144				
	Sri D.R.Venkatesa Iyer	3-6-40	31-12-40		168	164	332				
	Total for the Court	1-1-40	31-12-40	449	242	234	476		326		
1941	Sri D.R.Venkatesa Iyer	1-1-41	15-2-41	64	11	50	61		336	100	108
					Small Cause Suits.						
1938	Sri B. L. N. Rai	1-1-38	31-12-38	333	78	243	321		64		
1939	Do.	1-1-39	31-12-39	322	87	228	315		81		
1940	Do.	1-1-40	4-5-40		25	77	102				
	Sri D.R.Venkatesa Iyer	3-6-40	31-12-40		30	150	180				
	Total for the Court	1-1-40	31-12-40	261	55	227	282		61		
1941.	Sri D.R.Venkatesa Iyer	1-1-41	15-2-41	44	5	33	38		67	37	21

District Court, South Kanara,)
Mangaloro, Dated 10 the March'41)

District Judge, South Kanara

10.3.41

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STATEMENT showing the institutions, disposals and arrears in the District Munsif's Court of Udipi, for 1938, 1939 1940 & 1941 up to 15-2-1941

Year	Name of the presiding Officer.	Period presided over. From	To.	Institution.	Disposed of After full trial	Uncontested.	Total	Standard out-turn fixed.	Total still pending	No. of old suits pending on 15-2-1941	No. likely to become old at the closing of the Courts
					original Suits						
1938	Sri R. M. V. S. Rao	1-1-38	31-12-38	451	162	321	483	145	324		
1939	Do.	1-1-39	31-12-39	518	161	444	605		243		
1940	Sri K. R. Krishnaiah Chetty	3-1-40	2-6-40		62	118	180				
"	Sri B. Koragappa	3-6-40	31-12-40		110	237	347				
"	Total for the Court	3-1-40	31-12-40	483	172	355	527		214		
1941	Sri B. Koragappa	1-1-41	15-2-41	36	15	25	40		210	50	45
					Small Cause Suits.						
1938	Sri R. M. V. S. Rao	1-1-38	31-12-38	620	74	527	601		137		
1939	Do.	1-1-39	31-12-39	571	105	517	622		86		
1940	Sri K.R.Krishnaiah Chetty	3-1-40	2-6-40		18	136	154				
	Sri B. Koragappa	3-6-40	31-12-40		62	403	465				
	Total for the Court	3-1-40	31-12-40	652	80	539	619		118		
1941	Sri B. Koragappa	1-1-41	15-2-41	69	7	34	41		146	48	~~48~~ 50

District Court, South Kanara,
Mangalore, Dated 10 the March '41)

District Judge, South Kanar

10.3.41.

Home Department (E).

C.No.10399E. From the High Court, Madras, Roc.749/41/D2, dated 27-3-41.

Courts - Civil - South Kanara district - Appointment of additional District Munsif to the District Munsif's Court, Mangalore for a year.

A.S.

The Hon'ble the Judges recommend that an additional Dt. munsif with the usual staff may be appointed to the Dt. munsif's court, Mangalore, for a period of one year with effect from the date of re-opening of the court after the summer recess for 1941, i.e. from 26-5-41.

2. In the Dt. munsif's court, Mangalore, an additional officer worked from 10-6-37 to 1-3-38 when that appointment was abolished. The following statement compares the pendency on different dates on the basis of which the additional court was sanctioned or continued and the present pendency:-

Pendency.

Date	O.S.		S.Cs.	
	Total	Old	Total	Old
1-10-36	524	269	169	53
15-10-37	404	168	241	49
15-2-41	528	245	301	167
Old Standard for single officer	527		1476	
New Standard	190 after full trial			

The pendency of the court on 15-2-41 compares favourably with that on 15-10-37, on the basis of which the additional court was continued in that year.

3. The statement below shows the institutions and disposals in the Dt. Munsif's court, Mangalore since 1936:-

Year	O.S.			S.C.		
	Ins.	Dis.	Pen	Ins.	Dis.	Pen.
1936	460	402 @	502(267)	872	836	171 (57)
1937	425	601	333(87)	840	1025	185 (57)
1938	584	493 @	432(73)	929	784	343 (179)
1939	531	485	488(157)	957	956	356(176)
1940	473	463	512	941	1018	297
1941 upto 15.2.41	72	54	528(245)	91	89	301
Old standard outturn for a single officer	527			1476		

Taken from Civil court Statistics

Apps-II cf

(The figures in brackets represent old cases.
@ Two officers worked in this court from 10-6-37 to 1-3-38)

There was a reduction in the number of institutions under O.S during 1940 as compared with those in 1938 and 1939, but the number was greater than the figures for 1936 - 1937. It is stated that the institutions during 1941 are likely to be not less than 500. The disposals of O.S. have been fairly steady since 1938. The number of old O.S. pending on 15-2-41 was 245 and the number likely to become old by the time of the closing of the courts for summer recess, i.e., 14-4-41 is 30, making a total of 275 old suits.

A - p3 cf.
— cf. statt-above.
- p4 cf

As regards small cause suits, there has been an increase under institutions since 1937. The disposals have fairly kept pace with the institutions.

cf. statt-above

4. The Dt. Judge considers that it is not possible for a single officer to cope with the present arrears. The Hon'ble the Judges state that the arrears of old original suits alone in the Dt. Munsif's court, Mangalore represent more than a year's work for a single officer and that an addl. Dt. Munsif is very necessary now.

para 9 - p4 cf.
- p1 cf

-6-

5. For orders whether in view of the heavy pendency in the court, the recommendation of the Hon'ble the Judges for the appointment of an addl. Dt. Munsif to the D.M.C. Mangalore for a period of one year from 26-5-41 will be accepted.

	Rs.
1 dt. Munsif 230-405 (av. 335×12)	4020
3 clerks 30-55 (Av. 42.1×12×3)	1516
3 peons 12-17 (Av. 14.7×12×3	529
	6065

6. The proposal involves an average cost of Rs.6,065/- and should in the normal course have been considered as a Part II scheme. Please see in this connexion the remarks of the High Court at M on page 1 cf. In the circumstances, if the proposal is approved, the expenditure may be treated as an item of 'New Service' and the authorization of H.E. the Governor may be obtained on a supplementary estimate of expenditure. Finance may see for remarks.

9.4.41.

17/4

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We can't complain of poor outturn, and the case, on figures, clearly needs relief. Home supports it. As regards introduction this year, Home suggests that, the need existing, it would be wise to give relief at once and not let arrears pile up still more; the public should not suffer for the Dt. Judge's omission to put up the case for Part II.

18.4.41.

Finance.

ASST. SECRETARY TO GOVERNMENT 22 APR 1941 FINANCE DEPARTMENT

Home (E.I.)

16 4

Finance (E.I.)

The proposal to sanction an additional District Munsif in the Dt. Munsif's Court, Mangalore, for one year from 26-5-1941 involves an extra cost of Rs 6065 per annum.

DEPUTY SECRETARY TO GOVERNMENT 21 APR 1941 FINANCE DEPT.

Finance 1291 i (E I)

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per annum. The facts of the case have been set out in the Home Dept's note above, and the table on page 2 ante shows the state of work in the court from time to time since 1936. Having regard to the present pendency of O.S., which alone represents the work of a single officer for 1 year irrespective of subsequent institutions on the basis of the old standard outturn, the need for immediate relief may be admitted. But the question arises whether this relief should be afforded by the appointment of an additional Dt. Munsif ~~only~~ or whether it cannot be met sufficiently by a transfer of cases from the Mangalore Dt. Munsif's court to the courts at Udipi or Karkal which are situated in the adjoining taluks. Attention is in this connection invited to the minutes of the late H.M. Courts and Prisons on page 37 of G.O. 4432 Home, dated 12-9-1938. He has noted that the whole of South Kanara district is very badly served by roads, that many of the rivers are unfordable during the monsoon period and that for nearly five months in the year it causes immense inconvenience to the litigant public who have to go to distant places after crossing several rivers which are unbridged. Further the pendency in the Karkal and Udipi courts on 15-2-1941 was not light - see the statement at the bottom of page 2 C.F. It is apparently for these reasons that the Dt. Judge of South Kanara has asked for an additional Dt. Munsif's court at Mangalore. Submitted that this department may agree to the appointment of the additional Dt. Munsif with his usual staff from 26-5-1941 till the date of closure of the court for summer recess in 1942.

2. Funds. The extra cost to Government will be about Rs 3560. As the cost exceeds the Rs 2,500 limit per annum and as the proposal involves the appointment of a gazetted officer, it will have to be treated as a

10394E

'New Service'. If the scheme should be introduced in the current year, Home may be requested to obtain orders in circulation to all Advisers and H.E. the Governor and also to obtain in due course the authorisation of H.E. the Governor to a supplementary estimate of expenditure.

With these remarks the case may be returned to Home U.O.

Through B.G.

HOME SECRETARY 25 APR 1941 GOVT OF MADRAS

HOME DEPARTMENT.

This question of an additional Dt.Munsif for Mangalore, South Kanara, is for orders on --

(1) the appointment itself; both Home and Fin. agree that it is justified;
and (2) if the necessity for it is agreed upon, ~~the~~ introduction in the current year; the High Court proposes to post the additional officer at the end of the summer recess, on 26.5.41. Please see my note on the point at p.3 above; if Adviser considers that it should be introduced in the current year, I will send it in full circulation on receiving orders.

Adv.3

HOME SEC'E... 30 APR 194... GOVT OF MAD...

13974

19

Home Dept.

Orders of Adv. 3 above :- the proposal will go in full (249)

circulation.

30.4.41.

Advr. 1. Sapprus

1-5-41

Advr. 4. 1/5

Advr. 2. 1/5

H.E. A.H. 5/5/41

A.G.

Please see the finance dept's note and the orders in circulation at pages 2 - 6 ante. A draft order is under for approval. After issue of the order, necessary action will be taken to obtain the authorisation of His Excellency the Governor to a supplementary estimate of expenditure in 1941-42.

L.L.P.

7.5.41.

5 4.5.41.

Extract taken for action.

(C. No. 145711E/12.5.41.)

31/10/5

20

C.F. 15.

DRAFT FOR APPROVAL.

Home Department

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined ..		
When signed ..		
When despatched.		

SUBJECT :— Courts - civil - S. Kanara Dt. - District munsif's court, Mangalore - appts. of addl. Dt. munsif - sanctioned.

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO* :—

C. No. 10399E From the High Court, Coe., No. 749/41-D dated 27.3 19 41 Ltr.

" _____ " _____ " _____ " _____ 19____

" _____ " _____ " _____ " _____ 19____

Order/Resolution Ms./Rout. No. 2276, dated 10-5 19 41

Of Fundamental Rs. 2261 Home (6)
16.5.40 pp 26-28

C. para 1 sup ltr
& X on p 4 ms.

Dbds.

Sanction is accorded,

(i) to the appt. of an addl. Dt. munsif to the Dt. munsif's court, Mangalore, with effect from the date of the re-opening of the court after its summer recess in 1941, till the date of the commencement of its summer recess in 1942; and

(ii) to the addition to the establishment of the Dt. munsif's court, Mangalore, of three clerks on Rs. 30-55 each per mensem, and of three peons on Rs. 12-1-7

each per mensem so long as the number of officers presiding over the Court remains at two.

2. The expenditure should be met from the appropriation under "27. e. Dom. of Justice – D Mufassal civil and Sessions Courts – Regular establishment Voted or authorised."

3 The following notification will be published in the Fort St. George Gazette:

Notification

Under section 4 of the Madras Civil Courts Act, 1873 (as amended by Act III of 1925) (III of 1873), His Excellency the Govr. of Madras, after consultation with the High Court, is pleased to direct that the number of district munsifs to be appointed to the St. Munsifs Court, Mangalore in the district of South Kanara, shall be two with effect from the date on which the Court re-opens

Cf. notes — S 26 of Acts 1887 (H) 18.4.41

after its summer recess
in 1941.

To

The Hon'ble the C.J. (Written)
The H. Judge, J. Kanasa
The A.G. thro' Jud. dept.
The Jud. dept.
The S.G.P. for publn. of
Notifn. in the gazette.

1.5.41.

Dpd by

Date 12-5-41

23

House Dept.

(C 14511 E) Letter / Ref. no. 14511 E-1 Dated 14-5-41

To

The Hon'ble the C.J
High Court, Madras.

Hon'ble Sir,

(Courts - civil - S. Kanara Dt - appt. of addl. Dt. Munsif, Mangalore - Sanctioned - Ord. no. 2276 House d. 10.5.41.)

I am to invite reference to Ord. no. 2276 House dated 10-5-41 on the subject cited above and to request that the Hon'ble the Judges will be so good as to state whether the extra cost involved in the appointment of addl. Dt. Munsif will be met by re-appropriation in the current year's budget.

(Rs. after 1 month)

Yours faithfully,
for Secretary to Government

16/6.

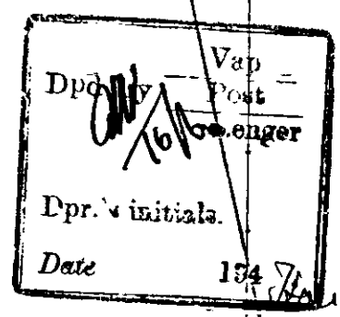
24

Home Dept

10/16/6

C. 1451/E. Letter/Ref. no. 14511 E2 d. 16-6-41

To



The Hon'ble the C.J.
High Court, Madras.

Hon'ble Sir,

(Courts - civil - S. Kanara Dt. - appt. of addl. Dt. munsf, Mangalore - provision in current years budget - Ref. Letter no. 1451/E-1 Home d. 14.5.41.)

I am directed to enquire when a reply may be expected to the reference cited above.

Yours

for
14.6.41.

(Rem. after 3 weeks)

14/6

25
18154 E
19-6-41

19 JUN. 1941

H.Ct. No. 4—29-6-36.

R.O.C. No. 749/41 D-2

From Sri R.Jayaram Ayyar M.A., B.L.,
~~Registrar of the High Court of Judicature,~~
Vacation Officer, Madras.

To
The Secretary to Government,
Home Department, MADRAS.

123

Dated, Madras, the 18th June 1941.

Sir,

Subject: Courts-Civil-South Kanara Dt.-appointment of Addl. Dt. Munsif Mangalore-G.O.No.2276 Home dated 10th May 1941.

Refce: Your letter No.14511 E-1 Home dated 14th May 1941.

I am to state that the extra cost involved in the appointment of additional Dt.Munsif Mangalore with establishment can be met from the existing budget grant for the current year under "27 e.B Administration of justice-Mufassal Civil and Sessions courts-Regular Establishments", as the appointment of the Addl. Subordinate Judge,Mangalore,with its establishment for which provision has been made in the current year's budget estimate has since been abolished (vide G.O.No.1770 Home dated 7-4-41).

I have the honour to be,
Sir,
Your most obedient servant,

MA

(S) R. Jayaram.

Vacation Officer.

Home Department.

(A) Extract from the notes in G.O.No.2276 Home dated 10-5-1941 re:appointment of additional district munsif to the D.M.C.Mangalore.

6. The proposal involves an average cost of Rs.6065/- a year and should in the normal course have been considered as a Part II Scheme. Please see in this connexion the remarks of the High Court at M on page 16/A. In the circumstances, if the proposal is approved, the expenditure may be treated as an item of 'New Service' and the authorization of H.E. the Governor may be obtained on a supplementary estimate of expenditure. Finance may see for remarks.

S.R.9-4-41
C.V.V.9.4.

B.R.
17.4

A.R.M.
18-4-1941.
Fin.

Finance (E.1)

Submitted that this department may agree to the appointment of the additional Dt. Munsif with his usual staff from 26-5-41 till the date of closure of the court for summer recess in 1942.

2. Funds. The extra cost to Government will be about Rs.3,560/-. As the cost exceeds the Rs.2,500/- limit per annum and as the proposal involves the appointment of a gazetted officer, it will have to be treated as a 'New Service'. If the scheme should be introduced in the current year, Home may be requested to obtain orders in circulation to all Advisers and H.E. the Govr. and also obtain in due course the authorisation of H.E. the Govr. to a supplementary estimate of expenditure.

Dt munsif 230
Clerk 90
2 peons 36
356 00

27

Home Department.

14571E
12-5-41
(2)
p19

After issue of the order, necessary action will be taken to obtain the authorisation of H.E. the Govr. to a supplementary estimate of expenditure in 1941-42.

S.R.7-5
C.V.V.7.5

B.R.
8-5

A.R.M. 9-5-41.

(Issued G.O.No. 2276 Home dated 10-5-1941.)

(2)
pp20-22

Home (E)

A.S

Sules. that before putting up a note on the supplementary estimate of expenditure for the year 1941-42 in respect of the orders in G.O. no. 2276 Home d. 10.5.41, the High Court may be asked to state whether the extra cost involved in the sanction accorded in the G.O. could be met by re-appropriation in the current year's budget. A draft letter is sules. for approval.

(2)
pp20-22

d R. 3562 - of M - p1 ank

14/5

12.5.41.

13/5

Issued letter no. 14571-E-1 Home d. 14.5.41. p1 of

(C. 18157E) From the High Court, Roc. no. 749/41 A-2 p3 of
dated 18.6.41.

A.S

Please see the letter from the High Court on page 3 of. As it is stated that the

Ref.

extra cost can be met from the appropriation for the current year, it will be sufficient to obtain a supplementary authorisation for a token sum of Rs. 100/-. A draft supplementary estimate of expenditure in respect of the orders in G.O. No. 2276 Home dt. 10.5.41 is submitted for approval. It may be sent to the Finance dept for acceptance

G.O. No. 1325 E-41 (Home)

25.6.41.

2576

27.6.41.

Finance.

Home No. 1451 E-3/41
27-6-41
G.O. No. 2864 (a) N

Fin (EE)

(Previous Finance note on p. 1 ante)

Submitted that the draft Supplementary Estimate of Expenditure may be accepted subject to the alterations indicated in pencil in the summary & the case returned to Home.

P.T.O.

Thro' B.G. 27.6.41 27.6.41

DS 27.7.41

DS.

Home 1

ASST. SECRETARY TO GOVERNMENT 30 JUN 1941 FINANCE DEPARTMENT

Finance No. 19818 (E-I) 3076

Finance 19818 E-I-NVP-7.7.41

A.S.

19630 E 7.7.41

2.7.41

Home

HOME SECRETARY JUL 5 1941 GOVT. OF MADRAS

ASSISTANT SECRETARY TO G. 6- JUL 1941 DEPARTMENT

Home Department

Please see the Finance dept's note above. The draft supplementary esti

~~29~~

of expenditure may now be permitted.

7.7.41.

7/7

87

Supplementary estimate
sent to Finance
7-7-41

Cr. 23½
28-30 Pr. 26 H20 L

B6

HOME DEPARTMENT

SUPPLEMENTARY ESTIMATE OF EXPENDITURE FOR THE YEAR 1941-42.

[SUBJECT.—*Grant XII—Administration of Justice.*]

Estimate of the amount required for further expenditure.

	RS.
Voted or authorized	100 (token sum)
Total of sums charged	*Nil.*

Summary.

Major head.	Minor head.	Sub-heads of appropriation.	Estimated amount of further expenditure for 1941-42.	
			Charged.	Voted or authorized.
(1)	(2)	(3)		(4)
				RS.
27. Administration of Justice.	e. Civil and Sessions Courts.	B. Mufassal Civil and Sessions Courts—Regular establishments—Pay of Officers.	..	100 (token sum)

EXPLANATORY NOTE.

The Hon'ble the Judges recommend that, in view of the heavy pendency on the file of the District Munsif, Mangalore, an additional District Munsif with the usual establishment of three clerks and three peons may be appointed in the court for a period of one year with effect from the date of the reopening of the court after its summer recess in 1941. It is stated that the arrears of old original suits alone represent more than a year's work for a single officer, that it is not possible for one officer to cope with the arrears and that an additional officer is very necessary. The Government have accepted the recommendation and have issued orders sanctioning the appointment of an additional District Munsif till the date of the commencement of the summer recess of the court in 1942. The proposal involves an extra expenditure of Rs. 3,560. Funds are available in the current year's budget to meet the cost.

2. As the expenditure is on a new service, it is proposed to include a token sum of Rs. 100 in a supplementary estimate of expenditure to be authorized by His Excellency the Governor under Grant XII—Administration of Justice.

A. R. MACEWEN—27-6-41.

[P. T. G.]

3|

[C. 14511 E/41]

Home (E) Department.

A.S.

His Excellency the Governor has authorized the spplementary estimate of expenditure proposed in note on page 5 ante.- cf. item 2 (a) on p.4 of G.O.No. 331 Finance dated 27.12.41. No further action is necessary. These papers may be filed with G.O.No. 2276 Home, dated 10.5.41.

Maylee put away.